

U. S. Doc. 1547

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

UNITED STATES OF AMERICA et al.)
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)
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vs)
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RAKI, SADAO et al.)

STORY DEPOSITION

DEPOENT: MATSUMOTO, Shunichi

I, Shunichi Matsumoto, state under oath as follows:

I was born in 1897. My present address is Yukizaya-machi, Ota-Ku, Tokyo.

I entered the Foreign Office in 1921 after graduating from the Tokyo Imperial University, Faculty of Law. After serving in the Embassy of Brussels, the Consulate at Antwerp, Belgium, and in the Treaty Department of the Foreign Office, etc. I was in Paris from 1930 to 1933 in the post of Secretary to the Embassy in France and concurrently as Secretary to the Imperial Japanese Bureau of the League of Nations. In 1933 I became the Chief of the Second Section, in 1936 of the First Section of the Treaty Department, and in 1937 I became the Chief of the Personnel Section of the Foreign Office. In March 1940 I was sent to Nanking, China, as Councillor to the Embassy in China. I returned to Japan in September of the same year to become Chief of the Treaty Department of the Foreign Office, in which post I stayed until November 1942, when I was appointed Vice Minister for Foreign Affairs.

I attended during my activities in the Foreign Office the following important international conferences in the capacity of member of the Japanese delegations:

Committee for the Revision of International Laws of War at the Hague, 1922,

Conference for Compiling International Law at the Hague, 1930.

International Committee for Aviation, 1930,

12th Session of the General Assembly of the League of Nations, in Geneva, 1931.

13th and the Extraordinary Sessions of the General Assembly of the League of Nations, in Geneva, 1932.

International Economic Conference, in London, 1933.

In September 1940 I was recalled to Tokyo from my post as the Councillor of the Japanese Embassy in China and was appointed Director of the Treaty Department of the Foreign Office.

When I heard from Foreign Minister Matsuoka matters concerning the Japanese-German negotiations for the Tripartite Pact and was ordered by him to participate in them, a rough draft of the Pact had already been drawn up on the basis of conversations between Foreign Minister Matsuoka, Mr. Stahmer and Ambassador Ott. I participated thereafter in the technical reduction of details etc. until the conclusion of the Pact on 27 September. As far as I know, the negotiations for the Tripartite Pact were conducted on the Japanese side almost

entirely by Foreign Minister Matsuoka alone, only Mr. Ryoei Saito, the Advisor to the Foreign Minister, and I advising him on technical matters.

The main purpose of the Tripartite Pact was, according to explanations given by Foreign Minister Matsuoka at that time on the meeting of the Privy Council etc., to restrain and check the United States of America to prevent her participation in the war against Germany, and at the same time to avoid the danger of a Japanese-American war.

3. As to the interpretation of the Tripartite Pact, the opinion held at that time by the Foreign Office, which should be considered as the official interpretation of the Pact, was as follows:

(1) In Articles I and II Japan promised to recognize and respect the leadership of Germany and Italy in the establishment of a new order in Europe, and Germany and Italy promised to recognize and respect the leadership of Japan in the establishment of a new order in Greater East Asia.

Those articles must be read together with the preamble of the Pact. Therefore, the "new order" mentioned in these articles is a "new order of things calculated to promote mutual prosperity and welfare of the people within the region" as stated in the preamble, and the "leadership" refers to that of those responsible for bringing about and maintaining that new order. These articles were of extremely political nature, and it must be said that their legal binding effect would depend upon the actual political situation.

(2) Article III stipulates that the Contracting Parties undertake to assist one another with all political, economic and military means when one of the three Contracting Parties is attacked by a power not involved in the European War or in the Sino-Japanese Conflict. This is the most important article of this Pact.

As to the procedure to determine the existence of an "attack" which would make the obligation for assistance effective, it was stated in the letter addressed from Ambassador Ott to Foreign Minister Matsuoka on the occasion of the exchange of letters in Tokyo on the day of the conclusion of the Pact that "it is needless to say that whether or not a Contracting Party has been attacked within the meaning of Article III of the Pact shall be determined by consultation among the three Contracting Parties". If the three powers could

agree in this consultation, the Japanese Government considered it quite natural that each Contracting Party as a sovereign state could decide independently as to the existence of the attack. Besides, the consultation on such an occasion was to have taken place directly between the governments of the three Contracting Parties, and did not fall within the competence of the Commissions of Article IV as mentioned below.

In connection with this article the original German draft contained the words "attacked either openly or covertly", as well as the stipulation that the Contracting Parties "undertake to declare war" on aggressor power when the existence of the attack had been recognized. These words were withdrawn upon request of the Japanese side. As the Japanese Government did not want to be drawn into the European War as a result of the Tripartite Pact, it was its intention to take an interpretation as limiting as possible concerning the existence of the attack.

(3) Article IV is a stipulation concerning the setting up of Joint Commissions of the three powers with a view to implementing the Pact. The Japanese Government considered, however, from the beginning that these Commissions were nothing but means for propaganda, and attached no practical importance to them. In the above-mentioned letter of Ambassador Ott addressed to Foreign Minister Matsuoka it is stated that the conclusions of the Technical Commission should be submitted to the respective Governments for approval in order to be put in force, thus clarifying that the Commissions had no power to decide anything.

(4) In Article V it is established that the aforesaid terms do not in any way affect the political status which exists as between each of the three

Contracting Parties and Soviet Russia. This article was inserted upon request of the German side just as it stood in the original German draft. It clarifies above all that the Tripartite Pact does not affect in any way the German-Russian Non-Aggression Pact, and stated at the same time the political desire of the three Contracting Parties for maintaining and improving friendly relations with Soviet Russia. In the above-mentioned Letter from Ambassador Ott to Foreign Minister Matsuoka Germany promised with regard to Japanese-Russian relations that "Germany will do everything within its power to promote friendly understanding and will at any time offer its good offices to this end."

(5) Article VI and the following provisions are usual, formal stipulations. That no provision for abrogation of the Pact was made, is quite common in such political treaties as this.

(6) In this Pact an article to conclude no separate peace in case of war, as provided in the treaty of mutual assistance between Great Britain and Poland of 25 August 1939 and between Great Britain, France and Turkey of 19 October 1939, was not inserted. In this connection, Foreign Minister Matsuoka explained that no article for no-separate-peace was provided as this Pact did not aim at a war.

4. On the day of the conclusion of the Tripartite Pact exchange of three kinds of letters took place in Tokyo between Foreign Minister Matsuoka and Ambassador Ott.

(1) The first kind of letter was a summary of the results of conversations between Foreign Minister Matsuoka, Stahmer and Ott with regard to the interpretation of the Pact etc. Japan first proposed to give it a form of a secret protocol; however, upon opposition from Germany, it took ultimately such a form as this. The original draft was dictated by Ambassador Ott to me. What the Japanese Government considered as most important in its contents was, as mentioned above, the paragraph concerning the interpretation of Article III, and the Japanese Government thought to have made thoroughly clear by this paragraph that the existence of the "attack" should be decided independently by each of the Contracting Parties.

(2) The second kind of letter concerned the attitude of Germany in case of an armed conflict between Japan and Great Britain. As under the circumstances at that time one could not ignore the possibility of an armed conflict between Japan and Great Britain, Japan proposed to Germany that, in that case also, despite the stipulation of Article III of the Pact, Japan expected the assistance of Germany.

(3) The third kind of letter was concerning the former German Colonies actually under Japan's Mandate in the South Seas. It is an established theory of international law that the mandate cannot be considered as the cession of territory; therefore, Japan wanted to clarify her territorial title of these former German colonial islands by setting out that these islands were ceded by Germany to Japan. Germany wanted perhaps, as we believed at that time, on the one hand to settle the question politically by ceding these islands to Japan for a nominal compensation, on the other hand to utilize this matter as an argument for successfully claiming the return of colonies in other parts of the world.

(4) These exchanges of letters were understandings between Japan and Germany only. They were not communicated to Italy in accordance with Germany's desire.

There were no secret agreement etc. between Japan, Germany and Italy other than these exchanged letters.

C A T H

In accordance with my conscience I swear to
tell the truth withholding nothing and adding nothing.

/s/ MATSUMOTO, Shunichi

(Seal)

No. 1

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極東國際軍事裁判所

亞米利加合衆國其他

對

荒木貞夫 其他

宣誓證人之書

供述者

松本俊一

△

私、明治三十一年(一九〇八年)生、東京市大田区雪谷町二居住、
松本俊一、宣誓、庄之浦陳述ス。

同年、太正十年(一九二一年)東京市大興字洋平。改卒業
外務省條約局審査課在佛國大使館書記官、昭和五年(一九三〇年)ヨリ
同年(一九三〇年)在佛國大使館書記官トシテ巴里在勤務シ。昭和八年(一九三三年)
條約局第二課長、同年(一九三四年)同才課長、同年
二年(一九三六年)入事課長トシテ外務省奉公、昭和十五年(一九四〇年)
三月(一九四〇年)在中國大使館奉公、同年(一九四一年)駐在、同年
九月帰朝、上外務省條約局長トシテ、同年(一九四三年)同
十月外務省次官二佐セラレヒ其、職三佐。

私が外務省在職中帝國代表として出席した主な会議、
昭和三十一年(一九三〇年)「一ノイニシテノル國際聯盟問題」、
昭和六年(一九三一年)「ノルマニシテノル國際聯盟問題」、
昭和六年(一九三一年)「ノルマニシテノル國際聯盟問題」、
同年、國際聯盟委員會、
同年、國際聯盟總會、
同年、國際聯盟總會、
同年、國際聯盟總會、
昭和七年(一九三一年)「ノルマニシテノル國際聯盟問題」、
昭和八年(一九三八年)「ノルマニシテノル國際經濟會議」、

No. 3

（一）「一條及二條」云、日本、歐洲、於「新秩序建設」獨行、指導的地位、俄伊、大東亞、於「新秩序建設」獨行、指導的地位、日本、指導的地位ヲ認ム且尊重ニシテ、トヲ約定、即日本條約新秩序上、前大ニ在、其地域、於「當該民族、其子民、實、ノリ、是、八十」新秩序、意味テアリ、又指導的地位上、右新秩序建設、及維持、主、及實行者、意味テアリ。之等、條文、極矣、政治的、

三、三国條約解釈=行天、臺灣、外務省は解
左通テアキ之即日本政府公式解釈設合
于テアキ

三国條約、主な目的は、當時松岡外務大臣
訓、枢密院契、にて説明テテトヨニ依ル。米國、韓
、對外參戰ヲ防止シ併セテ日米戰、危險ヲ
包障ス。在日、北洋艦隊、

二、昭和十九年（一九四〇年）九月和洋在中国大使館參事官カラ韓朝ノ命セテ、外務省條約局長ニ任命セラレバ。和洋松岡外務大臣カラ三国條約ノ開港入港獨占交渉ノ開港、之ニ開港ノ事ヲ命セラタ時、既ニ同外相ト、久々ノノル及オノ上大使ト、詰念ニ基キ大体、條約案がセ未ニ及、和洋莫、後九月二十七日、同條約締結ニ至ル迄、細部、技術的ニヒリヨニ等ニ開港ニテハ下。三国條約、交渉ハ私、知心限、日本側テハ始ニ松岡外相彼、手行ハシ音能良衛顧、同及和技術的方面ナニニ参劃シタニ遇ナリ。

性質^{アリ}、其法律的拘束力、現實政治的情勢如何
(二) 第三條、三締約國中、一國が改洲戰爭又^ハ日本^ハ争^フる時^ハ、三國^ハ有^ラる
政治的經濟的及軍事的方法^ハ依^フ相互^ハ援助^スト
規定^ステ之^ガ本條約^ハ眼目^{アリ}。
此援助義務^が發生^ス原因^トは、「攻擊^ス」^ハ存^リ在^ハ如何
三^ト決定^スル十二付^トハ、三國條約締結當日東京^ハ於^テ。
松岡大臣^ト才^ハ大使^ト間^ハ文換^{セラ}テ文書中^ハ、
第三條、意義^ハ於^テ「攻擊^ス」^{タリ}ヤ否^ハ三締約國問^ハ。
協議^ハ依^フ決定^スラルベキ^ト句論^{トス}ト述^バラ^テ居^ル。此協
議於^テ三國意見^が一致^シカノ場合^ハ日本政府^ト三^ハ當^ス間^ハ直接^ハ行^ハルベキモ^ハ後述第^四條、委員會^ハ所管^スト^カ。
然各締約國が主權國^ト主^リ自^由的^ハ攻擊^ス存^リ否^ハ認定^スト
スル^ト参考^ハ居^ス。猶此、除^ハ協議^ハ三締約國改府
間^ハ直接^ハ行^ハルベキモ^ハ後述第^四條、委員會^ハ所管^スト^カ。

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此條文間^ハ當^ス利^ハ得^ル還^ハ側^ス案^ハ公然^ハ隱^ハ惡^ハ形^ハ、
狀^ス於^テ「攻擊^ス」^ト言^フ文字^ヲ又^ハ攻擊^スト認定^スト^カ。
時^ハ締約國が攻擊國^ト對^シ宣戰^スハキ義務^ヲ負^ト、
字句^カ「^ハ」^カ日本側^{ヨリ}要求^ステ之^ヲ撤回^スメ^スト^カ。
日本改府^ト三^ハ國條約^ハ結果<sup>改洲戰爭^ハ捲^ハ入^ス」^ト、
度^ト「^ハ」^カ「^{アリ}」^ト攻擊^ス存^リ否^ハ認定^ス「^ハ」^ト制限^ス。</sup>

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only the 1547

16.5

(三) 第四條：條約審覈權，為三國混合專門委員會會議，設立專門委員會決定于下方，日本政府上于八、在委員會會于當初三、概々宣傳上設立參考、于唐支支會實際的東西性質會于唐支支會前記、不使發私書大臣記書目錄二於十八、專門委員會、決定各國關係各國政府、承認于三十一、實施于三十一、記載于委員會決定權、于二十二、明三。

(四) 第五條於十八以上各條項加三總約國トシテ以下群
邦ト、間一観存之政治的狀態ニ基テ即日及十九日確
言シテ、本條獨逸側、更本基ニ獨逸側原案文通
拵ヘセシタモ、王ニテ三國條約獨シ不侵略條約ニ基
テキテ、明ニシテ伊于締約國トシテ、一朝上、友好關係、維持
増進、政治的意圖、明ニシタモ、丁度、前記、ナニト
大使發給國大臣宣書、翰ニテ獨逸ノ日、間、獨逸
國、其力、及、限、友好的了解、增進之努力、且何時
三十日右目的、為國旋、密、請、之、トシテ、音信。

(三)第六條以下之通例形式的規定于心。條約廢棄二開心規定于設立為多，此斯政公約的條約二通廢，了了心。

(六) 猶本條約於昭和十四年(一九三九年)八月一日，英國、法國、
十二國同事于八月十九日，英佛、法、荷、西、意、羅、波、芬、
丹、挪、瑞典、芬蘭、英國不戰而降，蘇聯不設力抗之。付于
松國大臣(本條約為戰爭目的)。英、法、荷、西、意、羅、波、芬、
丹、挪、瑞典、芬蘭、英國不盡相，各負之。該月一日。

四、三國條約歸結營田東方於「松園大堂」不復使用。

之等文換文書以外「獨伊間」ハ何等、秘密約束等公文なり。

(四) 之等文換文書、日獨間ノ了解、伊太利ノ獨逸ノ
希望依リ通報セテ力ウタ。
ノ独逸ニヤウタモト思ヒル。

ノトシテ其領土権ヲ明ニ不置キ度ノ歟。獨逸ヲ割譲ヲ受ケテ
日本ニテハ之等舊獨領島嶼ノ獨逸ヲ割譲ノ事也。
任國ニ對スル領土割譲ト見ルヲ得ナヘタスが定説テル。一
殖民地ニ關スルニテアリ。未だ統治未だ、國際法上受
(三) 其第三種ハ南洋ニ於テ日本委任統治下ニ在ル舊獨領
規定「拘ムズ獨逸、援助ヲ期待スル旨申入ラル」アリ。
ハ言ニ難カツタリ、日本トテハ其場合ニ於テモ條約第三條
ニ當時情勢トシテ、日英間武力紛争可能性絶無ト
其第二種ハ日英武力紛争際獨逸態度ニ關スルモト解シテ居タ。

存在ヲ締約國が自主的決定スル言見解ヲ徹底セメタ
三條、解釋ニ關スル條項テ、日本政府トニハ前出ノ條約第一
アリ。其内容中日本政府が特重視シテ、前出ノ條約第一
依リ斯ハ形式ナリ。其原宗ハオット大使が私口授之ラムニ
極密議定書古ハコトナリ提議シテアリ。獨逸側反對
及オル山ノ會談ハ結果ヲ摘要シテモ、日本側ハ當初之
(一) 其第一種ハ條約、解釋等ニ關シ、松岡大臣ト、スラフ
間ニ三種類、文書、文換が行ハシ。

Def. place 1547.

昭和二十三年(一九四七年)四月二十日於東京

供述者 松本俊一 

右八當立會人面前宣誓言真
署名捺印シタルコトヲ證明シマス

同日 於同所

立會人 牛場信彦 

No. 7

No. 8

Act No. 1547

捺署印名

松本俊



良心ニ從ヒ眞實ヲ述ヘ何事ヲモ黙
大又何事ヲモ附批セガルコトヲ誓フ

宣誓書